Minutes - Executive Policy Committee – April 20, 2005

Minute No. 304
Report - Standing Policy Committee on Property and Development – April 5, 2005

Item No. 4 Rezoning - 1515 Wellington Avenue
File DAZ 202/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2005 and dated February 14, 2005, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the total building square footage shall be limited to a maximum of 55,000 square feet.

        iii. That all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container.

        iv. That the following signs are prohibited on the "C2" Commercial District land:

            a. Free-standing signs in excess of thirty-five (35) feet in height;

b. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

c. Flashing or scintillating signs.

v. That a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

vi. That the developer shall construct a 1.5 metre paved sidewalk from Wellington Avenue to the future Commercial Rental Unit (CRU) site in the western portion of the sewer easement prior to the issuance of occupancy permits for the future CRU (eastern portion of the site).

2. That the developer shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 4.283 metre (14.05 foot) widening to the St. James street right-of-way for the full length of the subject property abutting St. James Street and for a right-of-way corner cut in the northeast corner of St. James Street and Wellington Avenue, all generally illustrated on sketch plan PR05-01 dated January 13, 2005.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1515 Wellington Avenue**
File DAZ 202/2005 [c/r DAV 101858/2005D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **March 16, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 202/05, and dated February 14, 2005, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the total building square footage shall be limited to a maximum of 55,000 square feet.

        iii. That all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container.

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b. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

c. Flashing or scintillating signs;

vii. That a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

viii. That the developer shall construct a 1.5 metre paved sidewalk from Wellington Avenue to the future CRU site in the western portion of the sewer easement prior to the issuance of occupancy permits for the future CRU building (eastern portion of the site).

2. That the developer shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 4.283 metre (14.05 foot) widening to the St. James street right-of-way for the full length of the subject property abutting St. James Street and for a right-of-way corner cut in the northeast corner of St. James Street and Wellington Avenue, all generally illustrated on sketch plan PR05-01, dated January 13, 2005.

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5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

The Assiniboia Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated February 8, 2005.

PUBLIC HEARING SUMMARY

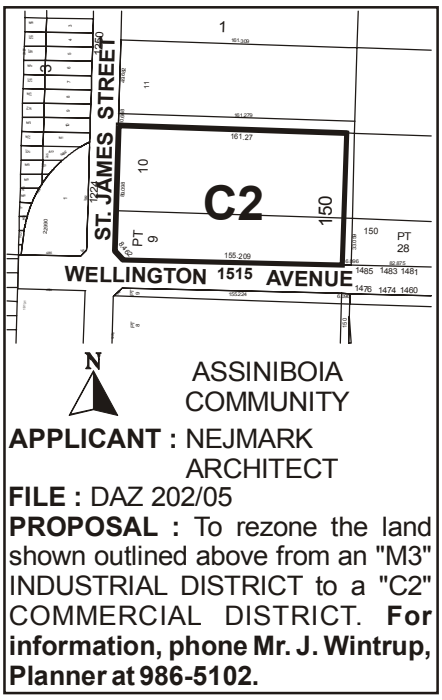
File: DAZ 202/2005 [c/r DAV 101858/2005D]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: March 15, 2005
Community Committee Chamber, 5006 Roblin Boulevard

Applicant: Nejmark Architect (Tat Liang Cheam)

Subject:



Premises Affected: 1515 Wellington Avenue

Exhibits Filed:

1. Application dated January 28, 2005
2. Notification of Public Hearing dated January 26, 2005
3. Manitoba Status of Title 1699555
4. Letter of authorization dated November 29, 2004 from James Ritchie, President, Canada Metal (Western) Ltd. to Cantana Investments Limited
5. Plans (2 pages)
6. Caveat No. 161201

7. Caveat No. 1451312 (Easement Agreement)
8. Communication dated February 15, 2005, from the Planner advising that the property was not posted in accordance with the requirements
9. Report from the Manager of Planning and Land Use dated February 8, 2005
10. Plan PR05-01 dated January 13, 2005
11. Inspection Report
12. Letter of authorization dated March 9, 2004 from James Ritchie, President, Canada Metal (Western) Ltd. to Nejmark Arthictect

REPRESENTATIONS:

In Support:

Tat Liang Cheam and Josef Nejmark, Nejmark Architect
Michael Stronger

In Opposition

Nil

For the City:

Mr. R. Humbel, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Tat Liang Cheam, appeared in support of the application and gave a brief overview of the proposal. Mr. Cheam stated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated February 8, 2005.

Exhibit "9" referred to in File DAZ [c/r DAV 101858/2005D]

Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date:	**February 8, 2005**
File:	**DAZ 202/05**
Related Files:	**DAV 05-101858/D**
Subject:	**Application to rezone land from an "M3" Industrial District to a "C2" Commercial District for the establishment of a sporting goods sales use.**
Location:	**1515 Wellington Avenue**



Applicant:	**Nejmark Architects - Tat Liang Cheam**
Owner:	**Canada Metal Limited**
Recommendation:	**Approval, with conditions.**

Site Description

The subject property is zoned "M3" Industrial. The site, which is ± 3.75 acres, has been vacant since 2002, when two, one-storey industrial buildings on the site were demolished.

Surrounding Land Use
North: Vacant property zoned "M3" Industrial
South: Immediately south, across Wellington Avenue, is an industrial use zoned "M3" Industrial. Further south is a big box retail development zoned "C2" Commercial.
East: Industrial uses zoned "M3" Industrial
West: A mix of commercial and light industrial/warehousing uses zoned "M2" Industrial

Existing Zoning
Under the current "M3"zoning classification, general retail uses are not permitted. In the proposed "C2" Commercial District, sporting goods sales, as well as most other categories of retail sales, are permitted uses.

Development Description

The applicant is proposing to rezone the subject parcel to "C2" Commercial in order to construct two, one-storey commercial buildings.

Floor Area
The proposed sporting goods store will have a total floor area of 32,831 square feet and the future CRU will have a total floor area of 18,601 square feet. This represents a lot coverage, for zoning purposes, of approximately 31%.

Parking
Surface parking is to be provided for 204 vehicles, which is the precise requirement under By-law 6400/94 (1 stall per 250 square feet of retail space). With additional landscaping that the Division is recommending, a minor parking variance may be required.

Access
Access to the property will be provided from St. James Street (2 bi-directional approaches) and Wellington Avenue (1 bi-directional approach). The public works department has reviewed the proposed site plan and is recommending street improvements, which are detailed in the administrative analysis.

Loading and Garbage
Loading docks for both buildings are located at the rear (north
Side) of the stores. Garbage enclosures will be located in the rear, as well. The loading zones and garbage enclosures will be completely screened from view.

Exterior Elevations
Elevations of the proposed buildings have not been provided at the date of submission of this report. Elevations, it should be noted, are one part of the final plan submittal that it is recommended be sent to this Community Committee for final approval prior to the issuance of building permits.

Analysis

Plan Winnipeg
Plan Winnipeg was recently amended to identify the Polo Park Area, including the subject site, as an Area of Regional Commercial Concentration and to redesignate these lands from an Industrial Policy Area to a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses. Thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Urban Image Route
The Image Route Enhancement Strategy, adopted in principle by Council in 1991, highlights six 'primary image routes', '*most frequently used by visitors and tourists to the city as well as residents in directly accessing downtown*'. (Council Minutes – May 29, 1991.) The principle purpose of the Image Route Enhancement Study was to develop viable concepts and strategies for improving the visual appearance of these major routes.

St. James is designated in the Strategy as an Image Route and the St.James/Wellington intersection is classified as a "special interest area" requiring image protection and enhancement. In that vein, policies aimed at promoting a higher standard of site development at this intersection were introduced.

The policies which apply to the subject site are as follows:

1) Commercial and Industrial properties at this intersection (Wellington and St. James) should be strongly encouraged to undertake building and signage improvements and landscape screening of parking areas and other distractions.
2) Signage should be minimized along image routes. The applicant is encouraged to consolidate signage but in no instance, should more than two freestanding signs be permitted on the site, one per street frontage.
3) Mobile signs shall be prohibited along all image routes

It should be noted that Plan Winnipeg 2020 identifies several policy statements regarding these image routes in Section 5E 'Creating a Beautiful City'. Section 5E-02 'Designate and Enhance Image Routes and Scenic Drives' further supports the enhancement strategy.

Compatibility with existing neighbourhood and surrounding uses
The immediate area has experienced a significant amount of commercial development over the past decade. The trend in development for this area continues to be commercial and as a result

of the redesignation of these lands to a Neighbourhood Policy Area, the transition of remaining industrial parcels to commercial uses has been facilitated.

Site Plan

Landscaping

Based on the visibility of the site and St. James Street's importance as an Urban Image Route, the Planning and Land Use Division is requesting an increased standard of landscaping on the site. While the current plan has been modified to provide larger setbacks and more landscaping, the Planning and Land Use Division feels that additional landscaping in several key locations will provide added benefit. These recommendations are consistent with what was required of the Real Canadian Superstore on St. James Street (one block to the south), which had a rezoning and development proposal approved recently by this Community Committee.

St. James Street:
- Provide a planting area on the north side of the northerly approach into the site.

On-Site
- Explore the option to provide a pedestrian linkage to the site from the east limit of the site leading from Wellington Avenue to the future CRU storefront.
- Install landscape islands in front of the store and to define the drive aisles. Similar to what was required at the Superstore, the end islands could include ornamental or shade trees.

Signage
As mentioned above, the Image Route Enhancement Strategy states that businesses are encouraged to consolidate signage but in no instance, should more than two freestanding signs be permitted on the site, one per street frontage. With this in mind, conditions have been added which limit the overall height, size, and number of freestanding signs permitted.

In addition, a condition has been added prohibiting all mobile signage on the site, with the exception of grand opening signage, as recommended in the Image Route Enhancement Study.

Traffic and off-site improvements
In order to accommodate the increased traffic volumes from the proposed development, the street improvements being recommended by the Public Works department include the following:

- Provision of land for a 14 foot strip of land along the entire west limit of the site to accommodate the future widening of St. James Street, plus related corner-cuts.

On another note, the applicant has indicated that the final site layout – including the number of buildings – is subject to change. The administration's analysis of off site impacts was based on the applicant's current plans, which include two buildings with a total of 51, 432 square feet of building area. To ensure that the off site impacts of this development do not change without

appropriate review, the Planning and Land Use Division, in consultation with the Public Works Department, has included a condition limiting the total building square footage to 55,000 square feet. In this vein, if the applicant chooses to increase the building square footage above this level, they would be required to apply for a zoning agreement amendment, which will give the administration the opportunity to reanalyze off site impacts and apply conditions for off site improvements, if necessary.

Building layout and orientation
In light of the fact that the current plans are not final and subject to change, the Planning and Land Use Division is recommending that final plans be brought back to this committee for approval prior to the issuance of any building or development permits.

Recommendation

The Planning and Land Use Division recommend approval.

- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The subject site falls within a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area.
- The proposed use meets the intent of the Image Route Enhancement Study.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 202/05, attached hereto and dated, February 14, 2005, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1) That, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

2) The total building square footage shall be limited to a maximum of 55,000 square feet;

3) That, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container.

4) That, the following signs are prohibited on the "C2" land:

ii. Free-standing signs in excess of thirty-five (35) feet in height;

iii. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

iv. Flashing or scintillating signs;

5) That, a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

6) The developer shall construct a 1.5 metre paved sidewalk from Wellington Avenue to the future CRU site in the western portion of the sewer easement prior to the issuance of occupancy permits for the future CRU building (eastern portion of the site).

II. That the developer shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 4.283m (14.05 ft) widening to the St. James street right-of-way for the full length of the subject property abutting St. James Street and for a right-of-way corner cut in the northeast corner of St. James Street and Wellington Avenue, all generally illustrated on sketch plan PR05-01, dated January 13, 2005.

III. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

IV. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VII. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VIII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # 2.221

Schedule "A"

By-Law No. _____

File No. **DAZ 202/05**

Atlas Sheet No.

N

Y20 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1515 Wellington Avenue from an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Assiniboia Community Committee for File No. DAZ 202/05, dated February 14, 2005.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2002)

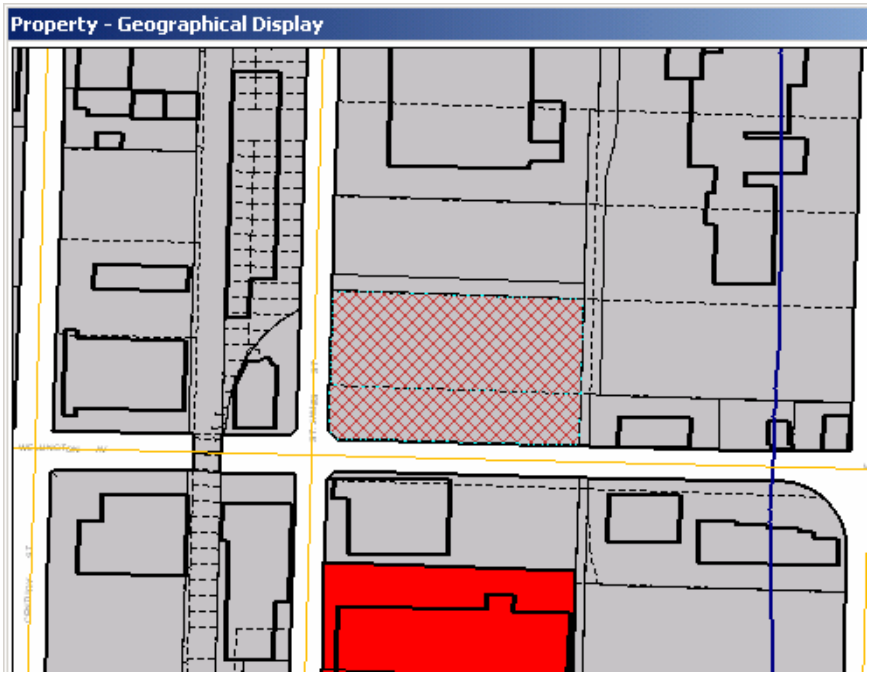


Figure 2: Zoning Map